

MINUTES OF THE REGULAR CITY COUNCIL MEETING  
TUESDAY- -JUNE 6, 2006- -7:30 P.M.

Vice Mayor Gilmore convened the Regular Meeting at 7:52 p.m. Councilmember deHaan led the Pledge of Allegiance.

ROLL CALL - Present: Councilmembers Daysog, deHaan, Gilmore, and Matarrese - 4.

Absent: Mayor Johnson - 1.

AGENDA CHANGES

Vice Mayor Gilmore announced that the recommendation to approve Employment Agreement [paragraph no. 06-283] would be heard prior to Proclamations, Special Orders of the Day and Announcements.

CONSENT CALENDAR ITEM

(06-283) Recommendation to approve Employment Agreement for City Attorney.

Councilmember deHaan moved approval of the staff recommendation.

Councilmember Matarrese seconded the motion.

Under discussion, Councilmember Matarrese stated the Council spent a lot of time reviewing the position and making the Contract understandable; Ms. Highsmith will be a great City Attorney; he appreciates arriving at a straight forward Contract which will be easier for Council and the public to understand.

Vice Mayor Gilmore stated that the City is very fortunate to have Ms. Highsmith take the position; the City will have continuity.

Councilmember deHaan stated the transition would be easy; Council feels confident that Ms. Highsmith can fulfill the commitments.

Councilmember Daysog stated residents should feel confident; stated Ms. Highsmith will be a great City Attorney.

On the call for the question, the motion carried by unanimous voice vote - 4. [Absent: Mayor Johnson - 1.]

Vice Mayor Gilmore stated that Mayor Johnson wished to convey her gratitude and excitement on Ms. Highsmith becoming the new City Attorney.

Ms. Highsmith stated she has been very happy working in Alameda for the past ten years; she enjoys working with the Council; introduced her family.

PROCLAMATIONS, SPECIAL ORDERS OF THE DAY AND ANNOUNCEMENTS

(06-284) Library project update.

The Project Manager provided a brief presentation.

Councilmember deHaan stated the Alameda Journal had a great article on the Library project; the article highlights the value engineering efforts which have paid big dividends.

CONSENT CALENDAR

Vice Mayor Gilmore announced that the recommendation to set Hearing date [paragraph no. 06-291], and the Resolutions Authorizing the Filing of Applications for Federal Congestion Mitigation and Air Quality Improvement Program Funding [paragraph nos. 06-292 and 06-292A] were removed from the Consent Calendar for discussion.

Councilmember Daysog moved approval of the remainder of the Consent Calendar.

Councilmember deHaan seconded the motion, which carried by unanimous voice vote - 4. [Absent: Mayor Johnson - 1.] Note: Councilmember Matarrese abstained from voting on the recommendation to authorize the execution of Landscape Maintenance Management Contract [paragraph no. 06-289].

[Items so enacted or adopted are indicated by an asterisk preceding the paragraph number.]

(\*06-285) Minutes of the Special and Regular City Council Meetings held on May 16, 2006. Approved.

(\*06-286) Ratified bills in the amount of \$4,399,404.21.

(\*06-287) Recommendation to award Contracts in the amount of \$979,847.26 for Furnishings in the New Main Library. Accepted.

(\*06-288) Recommendation to award Contract in the amount of \$2,968,704, including contingencies, to Gallagher & Burk for repair and resurfacing of certain streets, Phase 26, No. P.W. 03-06-08. Accepted.

(\*06-289) Recommendation to authorize the execution of Landscape

Maintenance Management Contract for the City of Alameda Island City Landscaping and Lighting District 84-2 - Marina Village. Accepted.

[Note: Councilmember Matarrese abstained from voting on the recommendation to authorize the execution of Landscape Maintenance Management Contract.]

(\*06-290) Recommendation to appropriate \$155,300 in Urban Runoff Funds and award a Contract in the amount of \$643,779, including contingencies, to Ghilotti Brothers for the Fernside Boulevard Pedestrian Access Improvements near Lincoln Middle School (Safe Routes to School), No. P.W. 11-02-15. Accepted.

(06-291) Recommendation to set Hearing date for delinquent integrated Waste Management charges.

Councilmember deHaan stated he is concerned about how collection would impact individuals; requested clarification prior to the Hearing date on how last year's collection issues were resolved; stated rates were changed and individuals did not think the process was fair.

Councilmember deHaan moved approval of the staff recommendation.

Councilmember Matarrese seconded the motion, which carried by unanimous voice vote - 4. [Absent: Mayor Johnson - 1.]

(06-292) Resolution No. 13967, "Authorizing the Filing of an Application for Federal Congestion Mitigation and Air Quality Improvement Program Funding for Electric Fleet Vehicles and Charging Stations, Committing the Necessary Non-Federal Match for the Project and Stating the Assurance of the City of Alameda to Complete the Project." Adopted; and

(06-292A) Resolution No. 13968, "Authorizing the Filing of an Application for Federal Congestion Mitigation and Air Quality Improvement Program Funding for Otis Drive/Doolittle Drive/Island Drive Signal Coordination, Committing the Necessary Non-Federal Match for the Project and Stating the Assurance of the City of Alameda to Complete the Project." Adopted.

Councilmember Matarrese stated he requested that the item be pulled from the Consent Calendar to focus the public on the issue; applauded the Public Works Director for pursuing electric vehicles; stated the vehicles would replace polluting cars driven by City employees and would be fueled by Alameda Power and Telecom; traffic signal timing is critical and is a good use of funds.

Councilmember Matarrese moved adoption of the resolutions.

Councilmember Daysog seconded the motion.

Under discussion, Councilmember Daysog stated that adopting the resolutions sets the right tone for residents and businesses.

Councilmember deHaan stated there were many inroads to establish Alameda as an electric City in 1997 and 1998; he hopes the City can build on the direction given; inquired whether there are vehicles made in the United States that are purely electrical that the City could purchase through normal governmental channels.

The Public Works Director responded all electric vehicles are not available through the State procurement process; Requests for Proposals would be sent out after the grant funds are received; there are vendors for electric vehicles.

Vice Mayor Gilmore stated she has received several letters regarding cities joining a Plug-In Initiative; requested more information on the matter.

Councilmember Matarrese stated complaints have been received regarding the traffic signal timing along Otis Drive near Regent Street; suggested painting "Keep Clear" on the street at the intersection.

On the call for the question, the motion carried by unanimous voice vote - 4. [Absent: Mayor Johnson - 1.]

#### REGULAR AGENDA ITEMS

(06-293) Public Hearing to consider adoption of Resolution 13969, "Confirming the Business Improvement Area Report for Fiscal Year 2006-07 and Levying an Annual Assessment on the Alameda Business Improvement Area of the City of Alameda for Fiscal Year 2006-07." Adopted.

The Business Development Division Manager provided a brief report.

Councilmember Matarrese moved adoption of the resolution.

Councilmember deHaan seconded the motion, which carried by unanimous voice vote - 4. [Absent: Mayor Johnson - 1.]

(06-294) Recommendation to approve Alameda Ferry Service actions:

(06-294A) Recommendation to authorize the City Manager to execute First Amendment to the Amended and Restated Ferry Services

Agreement with the Port of Oakland;

(06-294B) Recommendation to authorize the City Manager to execute extension of Operating Agreement with Blue and Gold Fleet for the Alameda/Oakland Ferry Service and adopt associated budgets;

(06-294C) Recommendation to authorize the City Manager to execute extension of Operating Agreement with Harbor Bay Maritime for the Alameda Harbor Bay Ferry and adopt associated budgets;

(06-294D) Recommendation to authorize the City Manager to enter into negotiations with the Bay Area Water Transit Authority (WTA) for transfer of the City's Ferry Service to the WTA; and

(06-294E) Resolution No. 13970, "Authorizing the City Manager to Apply for Regional Measure 1 Bridge Toll Funds, including Five Percent Unrestricted State Funds and Two Percent Bridge Toll Reserve Funds, for Operating Subsidy and Capital Projects for City of Alameda Ferry Services and to Enter into All Agreements Necessary to Secure These Funds for FY 2006-07." Adopted.

The Ferry Services Manager provided a brief presentation.

Vice Mayor Gilmore commended staff for being proactive in soliciting public input on the WTA negotiations; stated that she assumes that public concerns would be addressed through the course of negotiations.

Councilmember Matarrese congratulated staff and the Harbor Bay Maritime operational group for maintaining service levels; stated he hopes the marketing can be taken to the next level outside of Alameda; he is in favor of negotiations with WTA with the condition that a baseline is set for the current service and there is a guarantee that the service would not drop.

Councilmember deHaan concurred with Councilmember Matarrese; inquired what the fare box was for the Alameda Oakland Ferry Service.

The Ferry Services Manager responded 52%; stated he projects next year would be approximately 49% due to fuel increases.

Councilmember deHaan stated safeguards should be used throughout negotiations; services are hard to get back once they are relinquished; requested more information on WTA's future goals and services; stated jeopardizing the present service level would be unsatisfactory.

Councilmember Daysog stated the Port of Oakland's contribution has declined significantly; he is not ready to relinquish local

control; more information is needed prior to entering into negotiations; he attended one of two public meetings in which ten people attended; questioned whether the attendance was representative of the true passions for the Harbor Bay Maritime Service; stated he is not ready to enter into negotiations.

Councilmember deHaan stated past meetings had high attendance regarding fare box issues; the same individuals need to provide strong input.

Councilmember Matarrese stated that he draws a line between relinquishing the service and the negotiating process; the negotiating process is timely and provides an opportunity to explore conditions and guarantees.

Vice Mayor Gilmore stated proceeding with negotiations is the first step in the process and would involve a lot of public input.

Councilmember Daysog stated he would like to see plans regarding the ferry service from Harbor Bay to Alameda Point and on to San Francisco; he is concerned that a regional agency, such as WTA, relies on regional, State or federal money that is not guaranteed; pressures to rationalize operations could develop; basic, general discussions are needed before negotiations.

Councilmember Daysog moved approval of the staff recommendations excluding the recommendation to authorize the City Manager to enter into negotiations with (WTA).

Councilmember Matarrese seconded the motion, which carried by unanimous voice vote - 4. [Absent: Mayor Johnson - 1.]

Councilmember deHaan requested the motion include the caveat that there is a certain threshold of anticipation for guarantees that the City wants, and that concerns raised would be discussed and fulfilled.

Councilmember Matarrese inquired how said information would come back to Council; stated negotiations are timely because funding streams are available; inquired whether the reporting back could be structured around timeframes and milestones.

The City Manager responded the Council would be informed throughout the process; timeframes and milestones would be provided to Council.

Councilmember Matarrese inquired whether negotiation starting points have been established; stated the points should be discussed

prior to starting negotiations.

The Public Works Director responded some talking points have been established; stated a date has not been set for negotiations with WTA.

Councilmember Daysog stated he does not recall receiving any input after Closed Session discussions; concerns were raised regarding guarantees for both services; requested feedback regarding concerns before direction is given to negotiate.

The Public Works Director stated a baseline should be established within a certain period of time; WTA needs a chance to respond.

Councilmember Daysog stated negotiations could be set up by providing WTA with some broad conceptual points.

The City Manager stated the Council would be updated in terms of the talking points.

Councilmember Matarrese stated he would prefer to authorize the City Manager to set up negotiating dates, but not enter into negotiations until after Council discussions.

Councilmember deHaan stated he would like to have WTA provide a full business plan as part of the Council discussions.

Councilmember Matarrese moved approval of the staff recommendation with direction to bring the matter to the Council prior to the initiation of negotiations in order to allow discussion of the City's position and to obtain background information and plans from WTA.

Councilmember deHaan seconded the motion.

Under discussion, Councilmember Daysog stated he was more comfortable with Council direction but would abstain from voting on the matter.

On the call for the question, the motion carried by the following voice vote: Ayes: Councilmember deHaan, Matarrese, and Vice Mayor Gilmore - 3. Abstentions: Councilmember Daysog -1. [Absent: Mayor Johnson - 1.]

(06-295) Review of Policies regarding the Naming of City Facilities.

The Acting Recreation and Park Director provided a brief

presentation.

Vice Mayor Gilmore requested an explanation on how the Historical Advisory Board (HAB) continually adds to the pool of suggested names available for City property; inquired whether the HAB was the only means for names to get on the list; stated residents and citizen groups have proposed names in the past; inquired whether there was a specific period of time for recommendations.

The Acting Recreation and Park Director responded names are taken on an on-going basis; stated requests are dealt with individually.

The Planning and Building Director stated the HAB has not suggested any new names since she has been with the City; the original list went to the HAB to review the historical validity of the names.

Vice Mayor Gilmore inquired how a citizen's request for recognizing a relative in the street naming process is handled; to which the Acting Recreation and Park Director responded the names are presented to a specific board or commission, depending on the area of interest.

Councilmember deHaan inquired who updated the Official Naming List in 2003, to which the Acting Recreation and Park Director responded the Planning Department.

Councilmember deHaan stated the list was not used for Bayport street naming; the gaps need to be closed.

Councilmember Matarrese stated existing streets should not continue with a different name is another issue, such as Santa Clara Avenue continuing to the Naval Air Station.

The Planning and Building Director stated the policy clarifies that the street name is to continue.

Councilmember Matarrese inquired whether the Bayport streets would be renamed, to which the Planning and Building Director responded there are no plans to change the names.

Councilmember Daysog requested that Willie Stargell's name be forwarded to the HAB.

Councilmember deHaan stated that he supports Councilmember Daysog's request; an open season is needed to update the list; he would prefer to address Councilmember Daysog's request separately.

Vice Mayor Gilmore stated she would like to have the process

straightened out before the open season; street naming is becoming more clear; she is unclear on how facilities are named; inquired how the process was established for naming facilities within parks with different names than the park.

The Acting Recreation and Park Director responded the process was recommended by the community at the time.

The City Manager stated staff would provide recommendations to Council in the next couple of meetings.

Councilmember Matarrese requested that flow charts be provided.

Councilmember deHaan stated Council should discuss how far the naming policy should extend.

Vice Mayor Gilmore stated there should be consistency between commissions.

The City Manager stated a policy would be provided to Council while moving forward with adding Willie Stargell to the current street naming list.

Councilmember Daysog noted an Alameda resident mentioned naming the Dog Park after a resident who was instrumental in getting the Dog Park up and running.

(06-296) Resolution No. 13971, "Opposing State Legislation to Permit the Towing of Triple Tractor Trailers on State Highways in California." Adopted.

The Assistant to the City Manager gave a brief presentation.

Vice Mayor Gilmore stated previously the City Attorney pointed out that some roads in Alameda are designated as State Highways; potentially triple tractor trailers could move within the City limits; the City would have no jurisdiction or authority to regulate or ban the triple tractor trailers if the legislation passes.

Michael John Torrey, Alameda, stated his position on the matter is neutral; suggested Council ensure that adoption of the resolution does not curtail progress in Alameda.

Councilmember Matarrese stated he would prefer to see the industry remove tractor trailers from the streets and onto rails; he supports the resolution.

Councilmember deHaan inquired whether other cities have adopted resolutions opposing the State legislation.

The Assistant to the City Manager listed cities that have adopted similar resolutions.

Vice Mayor Gilmore stated truck drivers are not in favor of the legislation.

Councilmember Daysog stated the operative clause "...oppose any proposal or legislation at any level of government which would allow increases in the size and weight of trucks and number of tractor trailers permitted on State Highways" seems to be more general than the issue of the triple tractor trailers; the language should be tightened to the issue at hand.

Councilmember Matarrese stated that he supports the resolution as written; the resolution speaks to the infrastructure issue; safety factors would not be better with bigger and longer trailers.

Councilmember Daysog stated that the resolution does not state opposition to truck-only lanes as noted in the staff report; some areas of the State have reasons for truck-only lanes.

The City Attorney stated currently the State occupies the field regarding the weight and size of trucks permitted to travel on State Highways; the resolution does not oppose a truck-only lane but opposes any legislation to increase the current State restrictions; the staff report describes a way around the issue by seeking legislation that would permit private or public partnerships with CalTrans to receive funding for truck-only lanes from somewhere else.

Councilmember deHaan stated further deterioration would occur with increased weight; roads deteriorate quickly enough.

Councilmember Daysog stated goods needs to be moved by rail, ships and trucks; large trucks are not wanted in Alameda; moving goods by truck is an economic reality; the resolution should speak to triple tractor trailers.

Councilmember deHaan stated weight per axel is a concerning factor.

Councilmember Daysog noted Sports Utility Vehicles exceed the weight restrictions outlined in the City's ordinance.

Councilmember Matarrese moved adoption of the resolution.

Councilmember Matarrese stated many things have been done for the sake of economy in the past; the language sets a stake in the ground, addresses concerns regarding size and potential damage, and forces innovative change.

Councilmember deHaan seconded the motion.

Under discussion, Councilmember deHaan stated that triple tractor trailers probably would not be seen in Alameda; hopefully other means of transportation would be used to move goods.

Councilmember Daysog stated triple tractor trailers are a potential hazard that needs to be nipped in the bud; the resolution should be more specific to the problem, not broad and opened-ended; he would abstain from voting on the matter.

On the call for the question, the motion carried by the following voice vote: Ayes: Councilmembers deHaan, Matarrese, and Vice Mayor Gilmore - 3. Abstentions: Councilmember Daysog - 1. [Absent: Mayor Johnson - 1.]

#### ORAL COMMUNICATIONS, NON-AGENDA

(06-297) Jennifer Soloman, Alameda, stated that on January 28, 2006, her daughter and husband were struck by a motorist in the crosswalk at the intersection of Park Street and Otis Drive; it took twenty minutes for the Police to arrive; the officer asked if she wanted a police report; the paramedic got lost on the way to Children's Hospital; today's Alameda Journal stated that a three year old was struck on Webster Street; drivers were not cited in either case.

Vice Mayor Gilmore stated there are reasons for the 25 mile per hour speed limit; the Public Works Department recently installed solar speed limit signs; the Chief of Police and the City Manager will review the matter; speeders will be more diligently pursued.

Ms. Solomon stated that the driver was not speeding but was making a right-hand turn from Otis Drive onto Park Street.

Councilmember Matarrese stated the loop needs to be closed on the matter; every ambulance driver should know hospital locations off the island; he is concerned with a twenty minute response time; requested a review of the twenty minute response time and protocol when a pedestrian is struck.

Ms. Solomon stated she understood that the reason for the delay was due to the call being made on a cell phone and the caller did not

indicate the accident involved a pedestrian.

Councilmember Matarrese requested information on the status of calling 911 from cell phones.

Councilmember Daysog stated that the Police Department has been vigilant on traffic injuries and fatalities in the past several years; traffic related deaths have occurred on Constitution Way.

Councilmember deHaan inquired whether Ms. Solomon addressed the matter with City staff.

Ms. Soloman responded she spoke to the Fire Department Duty Chief regarding the matter.

(06-298) Michael John Torrey, Alameda, stated the Federal Communications Commission and the American Radio Relay League have declared the week of June 18 through the 25 as Amateur Radio Week.

(06-299) Duane Rutledge, Dublin, stated he received a disqualification letter from Alameda Development Corporation (ADC); all statements in the letter are incorrect; no written policy was presented regarding the appeal process.

Vice Mayor Gilmore inquired when Mr. Rutledge received the letter, to which Mr. Rutledge responded approximately a week ago.

The Assistant City Manager stated ADC disqualified Mr. Rutledge's application; the letter should outline the appeal process.

Mr. Rutledge stated he received no response to his inquires regarding details of the appeal process.

Vice Mayor Gilmore inquired who would adjudicate the appeal.

The Assistant City Manager responded first the appeal would go to the ADC Board and then the Community Improvement Commission.

Councilmember Daysog inquired whether Mr. Rutledge asked the ADC specific questions, to which Mr. Rutledge responded in the affirmative.

Councilmember deHaan inquired who is the ADC point of contact, to which the Assistant City Manager responded the Executive Director.

Councilmember deHaan inquired who would respond to Mr. Rutledge, to which the Assistant City Manager responded the ADC Board.

Councilmember Matarrese stated the matter will end up with the Community Improvement Commission; requested that the appeal process be placed on an agenda and that staff ensures that the appeal is presented to the CIC; the matter needs to be addressed sooner rather than later.

Councilmember deHaan stated that the issue should be addressed quickly.

The City Manager stated that the Executive Director would be contacted.

#### COUNCIL COMMUNICATIONS

(06-300) Councilmember deHaan stated that the lights are not repaired in the Tube; urged moving forward on the matter.

(06-301) Councilmember Matarrese stated that he has received letters stating that the speed limit is not being enforced in the Tube.

#### ADJOURNMENT

There being no further business, Vice Mayor Gilmore adjourned the Regular Meeting at 9:41 p.m.

Respectfully submitted,

Lara Weisiger  
City Clerk

The agenda for this meeting was posted in accordance with the Brown Act.

MINUTES OF THE SPECIAL CITY COUNCIL MEETING  
TUESDAY- -JUNE 6, 2006- -6:30 P.M.

Vice Mayor Gilmore convened the Special Meeting at 6:35 p.m.

Roll Call - Present: Councilmembers Daysog, deHaan, Gilmore, Matarrese, and Mayor Johnson - 5.

**Note: Mayor Johnson was present via teleconference from the Paris Hotel, 3655 Las Vegas Boulevard South, Las Vegas, Nevada 89109.**

Absent: None.

The Special Meeting was adjourned to Closed Session to consider:

(06-279) Conference with Legal Counsel - Existing Litigation; Name of case: Jose Ricabal v. Yu, City of Alameda, et al.

(06-280) Conference with Labor Negotiators: Agency negotiators: Craig Jory and Human Resources Director; Employee organizations and employees: Alameda City Employees Association, Chief of Police, Executive Management Group, Fire Chief, International Brotherhood of Electrical Works, and Management and Confidential Employees Association.

(06-281) Conference with Labor Negotiators: Agency negotiators: Marie Gilmore and Frank Matarrese; Employee: City Attorney.

(06-282) Public Employment; Title: City Attorney.

Following the Closed Session, the Special Meeting was reconvened and Vice Mayor Gilmore announced that regarding Conference with Legal Counsel, Council gave direction to Legal Counsel regarding settlement parameters; regarding Employee organizations and employees: Alameda City Employees Association, Chief of Police, Executive Management Group, Fire Chief, International Brotherhood of Electrical Works, and Management and Confidential Employees Association, Council received briefing from labor negotiators and gave direction; regarding City Attorney, Council received a briefing from Labor Negotiators regarding the City Attorney position.

Adjournment

There being no further business, Vice Mayor Gilmore adjourned the Special Meeting at 7:45 p.m.

Respectfully submitted,

Lara Weisiger  
City Clerk

The agenda for this meeting was posted in accordance with the Brown Act.

MINUTES OF THE SPECIAL JOINT CITY COUNCIL,  
ALAMEDA REUSE AND REDEVELOPMENT AUTHORITY,  
AND COMMUNITY IMPROVEMENT COMMISSION MEETING  
TUESDAY- -JUNE 6, 2006- -7:31 P.M.

Vice Mayor/Board Member/Commissioner Gilmore convened the Special Joint Meeting at 9:41 p.m.

ROLL CALL - Present: Councilmembers, Board Members,  
Commissioners Daysog, deHaan, Gilmore,  
and Matarrese 4.

Absent: Mayor/Chair Johnson - 1.

MINUTES

(06-302CC/06-023CIC) Minutes of the Special Community Improvement Commission (CIC) Meeting, and the Joint City Council, Alameda Reuse and Redevelopment Authority, CIC and Housing Authority Board of Commissioners Meeting held on May 16, 2006. Approved.

Councilmember/Commissioner Matarrese moved approval of the minutes.

Councilmember/Commissioner deHaan seconded the motion, which carried by unanimous voice vote - 4. [Absent: Mayor/Chair Johnson - 1.]

AGENDA ITEM

(06-303CC/06-024CIC) Discussion of City Attorney/General Counsel Legal Services and staffing options. **Continued.**

Councilmember/Board Member/Commissioner Matarrese moved approval of continuing the item.

Councilmember/Board Member/Commissioner deHaan seconded the motion, which carried by unanimous voice vote - 4. [Absent: Mayor/Chair Johnson - 1.]

ADJOURNMENT

There being no further business, Vice Mayor/Board Member/Commissioner Gilmore adjourned the Special Joint Meeting at 9:42 p.m.

Respectfully submitted,

Lara Weisiger, City Clerk  
Secretary, Community Improvement  
Commission

Agenda for meeting was posted in accordance with the Brown Act.